

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 9 and 22 are amended herein.

In view of the above, it is respectfully submitted that claims 1-2, 4-15 and 17-25 are currently pending and under consideration in the present application.

II. CLAIM OBJECTIONS

In item 4, on page 2 of the Office Action, claims 9 and 22 are "objected to." Claims 9 and 22 are amended herein to overcome the objections.

In view of the above, it is respectfully submitted that the objections are overcome.

III. REJECTION OF CLAIMS 1, 2, 4-8, 12-15, 17-19, 24, and 25 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER FETTE ET AL. (USP# 6,052,600) IN VIEW OF KAWAMATA ET AL. (USP# 6,820,259)

The present invention as recited in claims 1 and 24, relates to a method of distributing application software applied to an application software distribution system which comprises "constructing a transmission plan in the application software distribution system and transferring a transmission plan message to the mobile station via the application software distribution system," "opening an application software file to be transmitted" and "transmitting the application software file to the mobile station" (emphasis added).

Fette teaches a software programmable radio that receives information to configure a reconfigurable resource to perform an operation based on the information. In Fette, for example, a mobile terminal receives information from a wireless communication service and re-sets the configuration of the mobile terminal to use various wireless communication services from a different communication system based on a different frequency. Although Fette teaches that data or a program is transmitted between the base station and a mobile station, Fette fails to teach that the application software distribution system of the base station transmits/receives an application program to/from the mobile station in order to efficiently use the memory of the mobile station. Therefore, Fette does not teach the features recited in claims 1 and 24 of the present invention.

In item 6, on page 4 of the Office Action, the Examiner concedes that Fette does not teach constructing a transmission plan in the application software distribution system and transferring a transmission plan message to the mobile station via the application software distribution system as recited in claims 1 and 24. However, the Examiner believes that the above feature is well known in the art in lieu of the teachings of Kawamata.

Kawamata teaches a terminal apparatus having a reception unit for receiving a data group or a program group distributed from a satellite or a ground distribution system, and an update sequence management unit. Kawamata also teaches that a station 100 includes,

a distribution side communication unit 115 for distributing software to update software possessed by the terminal apparatus 150 and distributing a list of software to be distributed; a distribution software database 120 for storing distribution software; an encryption unit 110 for enciphering software before it is distributed to the terminal apparatus 150; a distribution software list management unit 125 for managing a distribution software list described with the names and distribution time of distribution software; an update contents management unit 130 for managing the update contents of software possessed by the terminal apparatus 150; and a distribution side control unit 105 for issuing a distribution command to the distribution side communication unit 115, issuing an encryption command to the software encryption unit 110 and managing the whole control flow.

The Examiner indicates that the station 100 of Kawamata is an application software distribution system, the terminal apparatus 150 is a mobile station, and a distribution software list is a transmission plan.

It is submitted, however, that the software distribution system of Kawamata is fundamentally different from the present invention. As indicated above, the station 100 of Kawamata is configured with a communication unit 115 merely for distributing software to update software possessed by the terminal apparatus 150 and distributing a list of software to be distributed. A person of ordinary skill in the art would not recognize the feature of distributing software to be the same as transferring a transmission plan message. There is nothing in Kawamata that teaches or suggests that the station 100 is configured to construct a transmission plan and transfer a transmission plan message to the terminal apparatus 150. Therefore, Kawamata does not teach the features recited in claims 1 and 24 of the present invention.

Claims 12 and 25 relate to a method which comprises "receiving a transmission plan message from an application software distribution system," "constructing a reception plan,"

"receiving an application software transmission start packet from the application software distribution system," "standing by to receive the application software file," "receiving the application software file from the application software distribution system," and "storing the application software file" (emphasis added). As indicated in the previous response, the application software distribution system can store a user's unused programs or data to efficiently manage a memory in a mobile station of the user and complement the lack of the mobile station's storage. Accordingly, the application software distribution system can transmit a transmission plan message to the mobile station before transmitting an application program or unused programs/data.

It is submitted that Fette and Kawamata, either alone or in combination, do not teach or suggest the features recited in claim 1, 12, 24, and 25.

Claims 2 and 4-8, and claims 13-15 and 17-19 depend from claims 1 and 12, respectively. For at least the reason that claims 1 and 12 distinguish over the cited prior art, it is respectfully submitted that claims 2, 4-8, 13-15 and 17-19 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 9-11 AND 20-23 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER FETTE ET AL. IN VIEW OF KAWAMATA ET AL. AS APPLIED TO CLAIMS 1 AND 12 ABOVE, AND FURTHER IN VIEW OF CRISS ET AL. (USP# 6,735,434)

Dependent claims 9-11 (depending, either directly or indirectly, from claim 1) and 20-23 (depending, either directly or indirectly, from claim 12) recite patentably distinguishing features of their own, and further, are at least patentably distinguishing due to their dependencies from independent claims 1 and 12. For example, in contrast to Fette, Kawamata, and Criss, dependent claim 9 provides, "generating a program identifier (PID) allocated to transmit the application software transmission plan message" and "storing the PID and an internet protocol (IP) address allocated to transmit the application software are stored." The Examiner relies on the combination of Fette, Kawamata, and Criss, however, none of the cited references teach or suggest the features recited in claim 9.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of

the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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